

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

IN RE: Scott Swiatek a/k/a Scott James
Swiatek

Debtor(s),

Chapter 13

Case No. 15-40793

Judge Jacqueline P. Cox

NOTICE OF MOTION

TO: SEE ATTACHED ADDRESSES

PLEASE TAKE NOTICE THAT ON March 14, 2016 at 9:00 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Jacqueline P. Cox, U.S. Bankruptcy Judge, 219 S. Dearborn Street, Chicago, Illinois, room 680, and shall then and there present the attached Motion and at which time you may appear if you so desire.

CERTIFICATION

I, the undersigned Attorney, Certify that I served a copy of this Notice to the Addresses attached by electronic notice through ECF or by depositing the same at the U.S. Mail at 1 North Dearborn, Chicago, Illinois 60602 at 5:00 P.M. on March 7, 2016, with proper postage prepaid.

*THESE DOCUMENTS ARE AN
ATTEMPT TO COLLECT A DEBT AND
ANY INFORMATION OBTAINED
WILL BE USED FOR THAT PURPOSE*

Pierce & Associates, P.C.

/s/Toni Townsend
Toni Townsend ARDC#6289370
1 N. Dearborn St. Suite 1300
Chicago, IL 60602
(312) 346-9088

Pierce File No. 252966

NOTICE OF MOTION ADDRESSES

To Trustee:
Tom Vaughn
55 East Monroe St.
Suite 3850
Chicago, IL 60603
by Electronic Notice through ECF

To Debtor:
Scott Swiatek
6450 South New England Unit 3C
Chicago, IL 60638
by U.S. Mail

4262 Jefferson Street Apt 8312
Kansas City, MO 64111
by U.S. Mail

To Attorney:
Charles L. Magerski
900 Jorie Boulevard Suite 150
Oak Brook, IL 60523
by Electronic Notice through ECF

Pierce & Associates, P.C.
Attorney For: Creditor
1 N. Dearborn St. Suite 1300
Chicago, IL 60602
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MOTION TO MODIFY THE AUTOMATIC STAY

NOW COMES Lakeview Loan Servicing, LLC, by and through its attorneys, Pierce & Associates, P.C., and requests that the Automatic Stay heretofore entered on the property located at 6450 South New England Unit 3C, Chicago, IL 60638, be Modified, stating as follows:

1. The instant bankruptcy was filed on November 30, 2015 and is not confirmed.
2. Lakeview Loan Servicing, LLC holds the first mortgage lien on the property located at 6450 South New England Unit 3C, Chicago, IL 60638.
3. The debtor's plan provides for surrender of the subject property.
4. The debtor does not provide for a cure of pre-petition default through the plan nor does the debtor propose to maintain the post petition mortgage payments.
5. The subject property's address is different from the debtor's mailing address. Lakeview Loan Servicing, LLC asserts that the subject property is not the debtor's homestead residence.
6. Lakeview Loan Servicing, LLC continues to be injured each day it remains bound by the Automatic Stay.
7. Lakeview Loan Servicing, LLC is not adequately protected.
8. Said property is not necessary for the debtor's reorganization.

9. No cause exists to delay the enforcement and implementation of relief and Bankruptcy Rule 4001(a)(3) should be waived.

WHEREFORE, YOUR MOVANT respectfully prays that the Automatic Stay on the property located at 6450 South New England Unit 3C, Chicago, IL 60638, be modified and that Bankruptcy Rule 4001(a)(3) be waived as not applicable, and leave be granted to Lakeview Loan Servicing, LLC to proceed with foreclosure, and for such other and further relief as this Honorable Court deems just.

Lakeview Loan Servicing, LLC

/s/Toni Townsend
Toni Townsend ARDC#6289370
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1 N. Dearborn St. Suite 1300
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(312) 346-9088